



From: Schworer, Philip J. [<mailto:PSchworer@fbtlaw.com>]

Sent: Monday, June 15, 2015 11:09 AM

To: Kakade, Seema; Rockler, Elliot (ENRD); Burke, Shaun

Cc: Schworer, Philip J.; Anthony.Jones@essroc.com

Subject: Essroc : Coments to the draft modification to Consent Decree

Seema, Shaun and Elliott,

Essroc has the following comments to the draft modification to the Consent Decree:

1. Essroc accepts the proposed 1.85 lb NOx/ton of clinker limit for the San Juan kiln.
2. Essroc proposes a NOx emission cap of 600 tons per year for the San Juan kiln.
3. The proposed mitigation project for Logansport has not been achieved. Essroc proposes to replace the CAT 992 D loader with a new or equivalent loader. Essroc proposes to achieve the replacement by July 30, 2016.
4. Essroc is not opposed to publishing the results of the Second SCR Pilot Study. Essroc would make a claim of "Confidential Business Information, subject to the provisions of 40 C.F.R. Part 2 for information related to the operations of the kiln.
5. The modification to the CD lists July 1, 2015 as the "Date required to meet 30-Day Rolling Average Emission Limit" for the Speed kilns. Please confirm our understanding that the July 1 date would be day one of the 30-Day rolling average.
6. Please confirm our understanding that entry of the modification to the CD does not impact the termination provisions found in paragraph 105. For example, under the CD, Essroc could submit a Request for Termination for the Speed 2 SNCR on December 31, 2015.

We can discuss any final clarifications during our next conference call on Tuesday June 16th at 11:00 am.

Thank you.

Phil

Philip J. Schworer

Member | **Frost Brown Todd LLC**

7310 Turfway Road, Suite 210 | Florence, KY 41042

859.817.5903 Direct | 859.817.5900 Main | 513.484.5160 Cell

pschworer@fbtlaw.com | www.frostbrowntodd.com-

NOTICE: This electronic mail transmission is for the use of the named individual or entity to which it is directed and may contain information that is privileged or confidential. It is not to be transmitted to or received by anyone other than the named addressee (or a person authorized to deliver it to the named addressee). It is not to be copied or forwarded to any unauthorized persons. If you have received this electronic mail transmission in error, delete it from your system without copying or forwarding it, and notify the sender of the error by replying via email or by calling Frost Brown Todd LLC at (513) 651-6800 (collect), so that our address record can be corrected.
